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Visa Bulletin - September 2019

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Visa Bulletin For September 2019

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A. STATUTORY NUMBERS

This bulletin summarizes the availability of immigrant numbers during September for: ?Final Action Dates? and ?Dates for Filing Applications,? indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

Unless otherwise indicated on the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov/visabulletininfo ^[3], individuals seeking to file applications for adjustment of status with USCIS in the Department of Homeland Security must use the ?Final Action Dates? charts below for determining when they can file such applications. When USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, USCIS will state on its website that applicants may instead use the ?Dates for Filing Visa Applications? charts in this Bulletin.

1. Procedures for determining dates. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; USCIS reports applicants for adjustment of status. Allocations in the charts below were made, to the extent possible, in chronological order of reported priority dates, for demand received by August 9th. If not all demand could be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The final action date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. If it becomes necessary during the monthly allocation process to retrogress a final action date, supplemental requests for numbers will be honored only if the priority date falls within the new final action date announced in this bulletin. If at any time an annual limit were reached, it would be necessary to immediately make the preference category ?unavailable?, and no

further requests for numbers would be honored.

2. The fiscal year 2019 limit for family-sponsored preference immigrants determined in accordance with Section 201 of the Immigration and Nationality Act (INA) is 226,000. The fiscal year 2019 limit for employment-based preference immigrants calculated under INA 201 is 141,918. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,754 for FY-2019. The dependent area limit is set at 2%, or 7,358.

3. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, EL SALVADOR, GUATEMALA, HONDURAS, INDIA, MEXICO, PHILIPPINES, and VIETNAM.

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. **(F2A)** Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. **(F2B)** Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

A. FINAL ACTION DATES FOR FAMILY-SPONSORED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01JAN13	01JAN13	01JAN13	01AUG96	22JUN08
F2A	C	C	C	C	C
F2B	01JUN14	01JUN14	01JUN14	01JUL98	01AUG08
F3	01SEP07	01SEP07	01SEP07	01DEC95	01FEB98
F4	01NOV06	01NOV06	22SEP04	01JAN97	01JUL98

B. DATES FOR FILING FAMILY-SPONSORED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart below may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file applications, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo ^[3] for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 4.A.) this month for filing applications for adjustment of status with USCIS.

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01MAY13	01MAY13	01MAY13	08NOV99	01DEC08
F2A	01JUL19	01JUL19	01JUL19	01JUL19	01JUL19
F2B	15OCT14	15OCT14	15OCT14	01MAR99	01FEB09
F3	22JAN08	22JAN08	22JAN08	15JUL00	01AUG98
F4	08MAR07	08MAR07	22MAY05	22DEC98	01JAN99

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "*Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of Pub. L. 102-395.

A. FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES	VIETNAM
1st	01OCT17	01JAN14	01OCT17	U	01OCT17	01OCT17	01OCT17
2nd	01JAN18	01JAN17	01JAN18	08MAY09	01JAN18	01JAN18	01JAN18
3rd	01JUL16	01JAN14	01JUL16	01JUL05	01JUL16	01JUL16	01JUL16
Other Workers	01JUL16	22NOV07	01JUL16	01JUL05	01JUL16	01JUL16	01JUL16
4th	U	U	U	U	U	U	U
Certain Religious Workers	U	U	U	U	U	U	U
5th Non-Regional Center (C5 and T5)	C	22OCT14	C	01SEP17	C	C	22OCT14
5th Regional Center (I5 and R5)	C	22OCT14	C	01SEP17	C	C	22OCT14

*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002.

B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo [3] for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 5.A.) this month for filing applications for adjustment of status with USCIS.

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	01SEP18	01OCT17	01SEP18	01OCT17	01SEP18	01SEP18
2nd	C	01JUN17	C	01JUN09	C	C
3rd	C	01JUN16	C	01APR10	C	C
Other Workers	C	01JUN08	C	01APR10	C	C
4th	C	C	01SEP16	C	C	C
Certain Religious Workers	C	C	01SEP16	C	C	C
5th Non-Regional Center (C5 and T5)	C	22NOV14	C	C	C	C

5th Regional Center (I5 and R5)	C	22NOV14	C	C	C	C
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6. The Department of State has a recorded message with the Final Action date information which can be heard at: (202) 485-7699. This recording is updated on or about the tenth of each month with information on final action dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY FOR THE MONTH OF SEPTEMBER

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. **This resulted in reduction of the DV-2019 annual limit to 50,000.** DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For September, immigrant numbers in the DV category are available to qualified DV-2019 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	CURRENT	
ASIA	CURRENT	
EUROPE	CURRENT	
NORTH AMERICA (BAHAMAS)	CURRENT	
OCEANIA	CURRENT	
SOUTH AMERICA, and the CARIBBEAN	CURRENT	

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2019 program ends as of September 30, 2019. DV visas may not be issued to DV-2019 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2019 principals are only entitled to derivative DV status until September 30, 2019. DV visa availability through the very end of FY-2019 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN OCTOBER

For October, immigrant numbers in the DV category are available to qualified DV-2020 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	2,500	Except: Egypt 1,500
ASIA	1,300	Except: Iran 750 Nepal 1,000
EUROPE	2,100	
NORTH AMERICA (BAHAMAS)	2	
OCEANIA	175	
SOUTH AMERICA, and the CARIBBEAN	225	

D. AVAILABILITY OF EMPLOYMENT-BASED FIRST, SECOND and FIFTH PREFERENCE NUMBERS

There has been a combination of a dramatic change in the USCIS demand pattern for adjustment of status applicants during July, and a larger than anticipated return of unused numbers which had been provided to consular offices for July use. As a result, it has been possible to advance the Employment First and Second preference September final action dates for most countries, as well as the India Employment Fifth preference.

E. SEVERAL EMPLOYMENT-BASED PREFERENCE CATEGORIES HAVE RETROGRESSED OR BECOME ?UNAVAILABLE? FOR THE REMAINDER OF FISCAL YEAR 2019

Worldwide Employment Fourth (E4): Since June, USCIS demand for E4 numbers, primarily for Juvenile Court Dependent adjustment of status applicants, has increased dramatically. This has resulted in the E4 annual limit having been reached. Therefore, it has been necessary to make the entire E4 category ?Unavailable? for September, and implement this effective immediately.

China ? Employment First (E1) and Third Preferences (E3): Despite the earlier retrogression of the China E1 final action date, USCIS demand for adjustment of status applicants with priority dates earlier than that date remains excessive. Therefore, it has been necessary to retrogress the China E1 final action date once again. A dramatic increase in USCIS demand for China E3 numbers has also required the retrogression of that date in an effort to limit future number use under that annual limit. Both of these retrogressed September dates will be imposed immediately.

India ? Employment First (E1) and Third Preferences (E3): Despite the earlier retrogression of the India E1 and E3 final action dates, USCIS demand for adjustment of status applicants with priority dates earlier than those dates remained excessive. Therefore, it was necessary to make the India E1 final action date ?Unavailable? earlier in July, and it will remain so for the remainder of FY-2019. The India Employment Third preference date has been retrogressed and that date will be imposed immediately.

It is likely that corrective action will also be required for other preferences prior to the end of the fiscal year.

Numbers will once again be available for applicants in the above mentioned preferences beginning October 1, 2019 under the FY-2020 annual numerical limitations. Every effort will be made to return these final action dates to (at least) the dates which had originally been announced for August.

F. DETERMINATION OF THE NUMERICAL LIMITS ON IMMIGRANTS REQUIRED UNDER THE TERMS OF THE IMMIGRATION AND NATIONALITY ACT (INA)

The State Department is required to make a determination of the worldwide numerical limitations, as outlined in Section 201(c) and (d) of the INA, on an annual basis. These calculations are based in part on data provided by U.S. Citizenship and Immigration Services (USCIS) regarding the number of immediate relative adjustments in the preceding year and the number of aliens paroled into the United States under Section 212(d)(5) in the second preceding year. Without this information, it is impossible to make an official determination of the annual limits. To avoid delays in processing while waiting for the USCIS data, the Visa Office (VO) bases allocations on the minimum annual limits outlined in Section 201 of the INA. On July 17th, USCIS provided the required data to VO.

The Department of State has determined the Family and Employment preference numerical limits for FY-2019 in accordance with the terms of Section 201 of the INA. These numerical limitations for FY-2019 are as follows:

Worldwide Family-Sponsored preference limit: 226,000
Worldwide Employment-Based preference limit: 141,918

Under INA Section 202(a), the per-country limit is fixed at 7% of the family and employment annual limits. For FY-2019 the per-country limit is 25,754. The dependent area annual limit is 2%, or 7,358.

G. OBTAINING THE MONTHLY VISA BULLETIN

To be placed on the Department of State?s E-mail subscription list for the ?Visa Bulletin?, please send an E-mail to the following E-mail address:

listserv@calist.state.gov [4]

and in the message body type:

Subscribe Visa-Bulletin
(example: Subscribe Visa-Bulletin)

To be removed from the Department of State?s E-mail subscription list for the ?Visa Bulletin?, send an e-mail message to the following E-mail address:

listserv@calist.state.gov [4]

and in the message body type: **Signoff Visa-Bulletin**

The Department of State also has available a recorded message with visa final action dates which can be heard at: **(202) 485-7699**. The recording is normally updated on/about the 10th of each month with information on final action dates for the following month.

Readers may submit questions regarding Visa Bulletin related items by E-mail at the following address:

VISABULLETIN@STATE.GOV ^[5]

(This address cannot be used to subscribe to the Visa Bulletin.)

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Team Notes:

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